

## **Summary of Proposed Regulation Changes**

### **KAR 129-5-108 re: Scope of services for durable medical equipment, medical supplies, orthotics, and prosthetics**

This regulation replaces K.A.R. 30-5-108, and includes amendments that relax the requirements for parenteral nutrition by including physicians, physician assistants, and pharmacists as allowed providers of required support services (changes appear on page 1, #7 of this regulation).

Total Parenteral Nutrition (TPN) is a mixture of lipids, fats, vitamins and minerals that must be ordered by a physician, then mixed and distributed by a pharmacist. TPN is administered intravenously (IV). It is used only when a patient cannot eat orally and cannot withstand a feeding tube regimen. Most patients are only on TPN for short periods of time. We do however, have a few clients that have been on TPN for many years and will remain on it for the rest of their life.

Most clients that go home on TPN do have Home Health coming into the home to help administer the TPN and teach the family about its use and care. We also have a few clients who have a pharmacist or physician coming into the home unreimbursed to help with any issues they may have with their TPN and monitoring the clients progress. These clients do not need Home Health to come into the home to administer or teach, as their family and/or caregivers have already been thru this education and are able to administer this product without the extra services.

Changing this regulation will enable those clients to continue without the extra cost of Home Health to Kansas Medicaid. This will not change the prescribing, mixing or distribution of TPN.

### **Fiscal Impact**

It is anticipated there would be no fiscal impact.

### **Public Comments and Expected Reaction**

No public comments were received. This action is not considered controversial.

### **Approval Timeline**

Date considered by Medicaid staff: 6/26/06

Date published in Kansas Register: 07/20/06

Date approved by KHPA executive staff: 10/05/06

129-5-108. Scope of services for durable medical equipment, medical supplies, orthotics, and prosthetics. (a) Selected durable medical equipment (DME) shall be available to each beneficiary, with the following limitations:

- (1) The DME shall be the most economical to meet the beneficiary's need.
- (2) The least expensive and most appropriate method of delivery shall be used. If round-trip delivery is over 100 miles, prior authorization shall be required.
- (3) Used equipment with a warranty specified by the agency shall be used if available.
- (4) Certain DME designated by the agency shall be the property of the agency.
- (5) Educational, environmental control, and convenience items shall not be covered.
- (6) DME shall be covered for only the following types of beneficiaries:
  - (A) Participants in the Kan Be Healthy program;
  - (B) beneficiaries who require the DME for life support;
  - (C) beneficiaries who require the DME for employment;
  - (D) beneficiaries who would require more expensive care if the DME was not provided; and
  - (E) beneficiaries who are residing in adult care homes.
- (7) DME services provided for the parenteral administration of total nutritional replacements and intravenous medication in the beneficiary's home shall require the provision of services by a local home health agency, physician, advanced registered nurse practitioner, physician assistant, or pharmacist.

(b) Selected medical supplies shall be available to each beneficiary for use in the beneficiary's home.

(c) Selected DME and medical supplies shall be considered for coverage only in cases in which exceptional hardship or medical need has been justified by documentation of medical necessity or by the granting of prior authorization.

(d) Orthotics and prosthetics shall be available to program beneficiaries from orthotic and prosthetic dealers enrolled under K.A.R. 30-5-59. (Authorized by L. 2005, Ch. 187, § 45 and K.S.A. 2005 Supp. 75-7403; implementing L. 2005, Ch. 187, § 41 and K.S.A. 2005 Supp. 75-7405; effective P-\_\_\_\_\_.)